

SOUTHERN ENVIRONMENTAL LAW CENTER

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May 6, 2010

U.S. Environmental Protection Agency
Region 4 Freedom of Information Officer
SNAFC Bldg, 61 Forsyth Street., S.W., 9th Flr
Atlanta, GA 30303-8960

CONTROL NO	4-FOI-00520-10
Response Due:	6/1/10
SEARCHED	INDEXED
SERIALIZED	FILED
MAY 11 2010	
A 11:28	
FEDERAL BUREAU OF INVESTIGATION	
REGION 4	
OTHER	

VIA U.S. Mail and FACSIMILE (404-562-3703)

Re: FOIA Request - Plant Washington NPDES Permit

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") requests all documents in the possession of the United States Environmental Protection Agency ("EPA") relating to the National Discharge Elimination System ("NPDES") Permit No. GA0039055 (the "Permit") issued to Power4Georgians, LLC by the Georgia Department of Natural Resources, Environmental Protection Division. This request specifically includes any documents relating to the Permit for Plant Washington issued on April 8, 2010.

As used in this letter, "documents" includes all written, printed, recorded, or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages, emails, and mail in the possession or control of the EPA.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. See 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo. 1994);

Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers" Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 20 years of experience disseminating public information regarding EPA's regulatory and operations issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects. See <http://southernenvironment.org/newsroom/>. SELC's website contains documents generated by SELC for the specific purpose of educating the public on particular issues. See, e.g., <http://www.southernenvironment.org/air/>. SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites. See, e.g., http://www.southernenvironment.org/issues/air/fighting_coal_plants/.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$25. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at (404)-521-9900. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Hunt", written over a horizontal line.

Nate Hunt
Associate Attorney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 18, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Nate Hunt
Southern Environmental Law Center
The Candler Building
127 Peachtree Street, Suite 605
Atlanta, GA 30303-1800

RE: Request Number 04-FOI-00520-10

Dear Mr. Hunt:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request seeking documents concerning the National Discharge Elimination System (NPDES) Permit No. GA0039055.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records. EPA's Region 4 office will be responding to your information request.

If you have any questions concerning this please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry R. Gottesman".

Larry R. Gottesman
National FOIA Officer